

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

AND

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO. 751 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
10/04/2003 in WP No. 20418 of 1995 on the file of the High Court.)

Between:

1. H.M.T. Welfare & Cultural Organization, Rep. by its Secretary, HMT
WACO, HMT Township, Hyderabad.
- 2 The General Manager, Hindustan Machine Tools, Hyderabad.

..... APPELLANTS

AND

1. Mrs. Sushila Thomas, W/o. T. Thomas. retired School Asst. HMT School,
R/o. 1-2-36/12, Domalguda, Hyderabad.
- 2 The Principal, HMT High School, HMT WACO, HMT Township,
Hyderabad.
- 3 The Govt. of A.P., rep. by its Secretary, Education, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants:Mr. K.CHINNA BABA.

Counsel for Respondent No.1:Mr.P.B.VIJAY KUMAR

Counsel for Respondent No.2: Mr.G.VIDYASAGAR

Counsel for the Respondent No.3: GP FOR EDUCATION

The Court made the following Order :

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THE HONOURABLE SMT JUSTICE T.MEENA KUMARI

AND

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

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W.A.NO.751 OF 2004

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ORAL ORDER: (per the Hon'ble Smt Justice T.MEENA KUMARI)

Today, when the matter has come up for hearing, both the learned counsel submitted that the matter is squarely covered by the judgment of the Apex Court reported in **Ahmedabad Pvt. Primary Teachers' Assn. V. Administrative Officer**, wherein the Supreme Court held that the teachers would not come under the definition of 'employee' for the purpose of payment of gratuity under the Gratuity Act, 1972. Following the same, the order of the learned Single Judge is set aside.

Accordingly, the writ appeal is allowed. No costs.

T.MEENA KUMARI,J

17.12.2004

S.ANANDA REDDY,J

Usd/Lvl

To

- 1 The Principal, HMT High School, HMT WACO, HMT Township,
Hyderabad.
- 2 The Govt. of A.P., rep. by its Secretary, Education, Hyderabad.
3. The Secretary, H.M.T. Welfare & Cultural Organization, HMT WACO, HMT
Township, Hyderabad.
4. The General Manager, Hindustan Machine Tools, Hyderabad.
- 5 Two CCs to G.P. for Education, A.P.High Court Buildings, Hyderabad

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